

KINGSPORT BOARD OF ZONING APPEALS AGENDA
REGULAR MEETING: October 3, 2019
Development Services Building – Bob Clear Conference Room

CALL TO ORDER – 12:00 P.M. NOON

INTRODUCTION / MEETING PROCEDURES

PUBLIC HEARING:

Case: 19-701-00022 – Property located at 1436 Dobyns Drive, Control Map 046N, Group C Parcel 032.00, requests a 3 foot side yard variance for the purpose of expanding an existing building to Sec 114-182(e)1(d)1. The property is zoned R-1A, Residential District.

INTERESTED PARTIES:

Owner: Thomas Cleek
1436 Dobyns Drive
Kingsport, TN 37664
423.335.1108

Representative: Shannon Southerland

Case: 19-701-00023 – Property located at 1429 Rock Springs Road, Control Map 105, Parcel 098.00, requests a 12 parking space reduction to Sec 114-564(4)q and a periphery yard reduction of 30 feet to Sec 114-230(c) for the purpose of constructing a new commercial building. The property is zoned B-4P, Planned Business District.

INTERESTED PARTIES:

Owner: David Blackburn
2088 Old Taylor Road
Oxford, MS 38655
662.513.4194

Representative: Benjamin Berry

Case: 19-701-00024 – Property located at 1351 Knightsbridge Circle, Control Map 078A, Group E, Parcel 002.00, requests a 50 foot variance for the purpose of locating an in-ground swimming pool in the side yard to Sec 114-133(1). The property is zoned PD, Planned Development District.

INTERESTED PARTIES:

Owner: Anthony Fulkerson
1351 Knightsbridge Circle
Kingsport, TN 37664

423.617.2510

Representative: Jerry Cavin

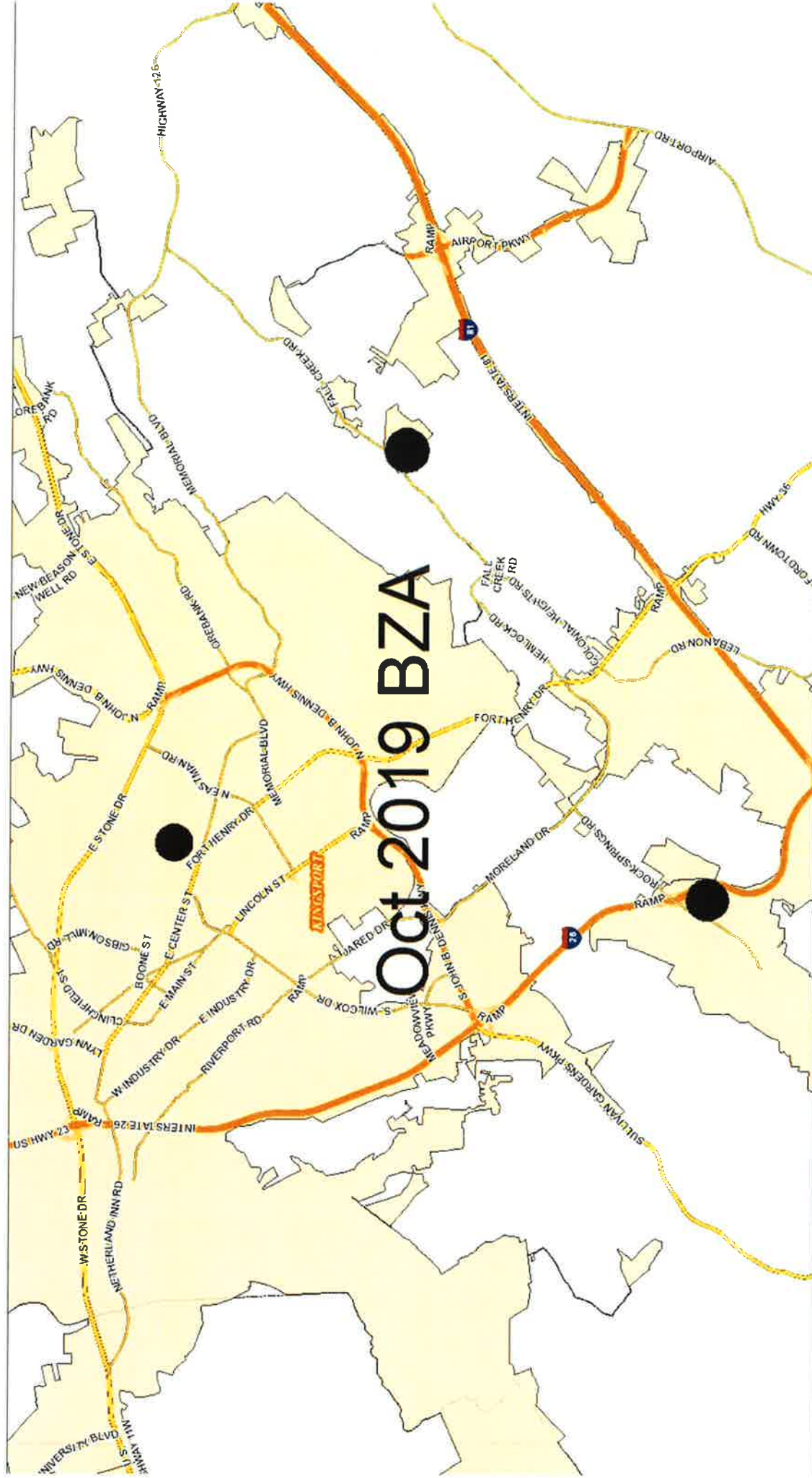
BUSINESS:

Approval of the September 5, 2019 driving tour and regular meeting minutes.

Stating for public record, the next application deadline is October 15, 2019 at noon, and meeting date (Thursday, November 7, 2019).

ADJUDICATION OF CASES:

ADJOURNMENT:



REGULAR MEETING
& PUBLIC HEARING
Kingsport Board of Zoning Appeals

NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large that an open and public meeting of the Kingsport Board of Zoning Appeals scheduled for Thursday, October 3, 2019 will be conducted beginning at NOON in the Bob Clear Conference Room, on the first floor of the Development Services Building, 201 West Market Street, Kingsport, Tennessee.

A tour of the properties up for consideration will be conducted starting at 10:30a.m. prior to the meeting.

Public Hearing: The Kingsport Board of Zoning Appeals will conduct a Public Hearing during this meeting to consider the following cases:

Case: 19-701-00022 – Property located at 1436 Dobyns Drive, Control Map 046N, Group C Parcel 032.00, requests a 3 foot side yard variance for the purpose of expanding an existing building to Sec 114-182(e)1(d)1. The property is zoned R-1A, Residential District.

Case: 19-701-00023 – Property located at 1429 Rock Springs Road, Control Map 105, Parcel 098.00, requests a 12 parking space reduction to Sec 114-564(4)q and a periphery yard reduction of 30 feet to Sec 114-230(c) for the purpose of constructing a new commercial building. The property is zoned B-4P, Planned Business District.

Case: 19-701-00024 – Property located at 1351 Knightsbridge Circle, Control Map 078A, Group E, Parcel 002.00, requests a 50 foot variance for the purpose of locating an in-ground swimming pool in the side yard to Sec 114-133(1). The property is zoned PD, Planned Development District.

All interested persons are invited to attend this Public Hearing. Additional information concerning this case may be obtained by contacting City of Kingsport Planning Division staff, telephone (423) 229-9485.

City of Kingsport, Tennessee
Sidney Cox, City Recorder
P1T: 9/23/19



TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

DATE: September 23, 2019

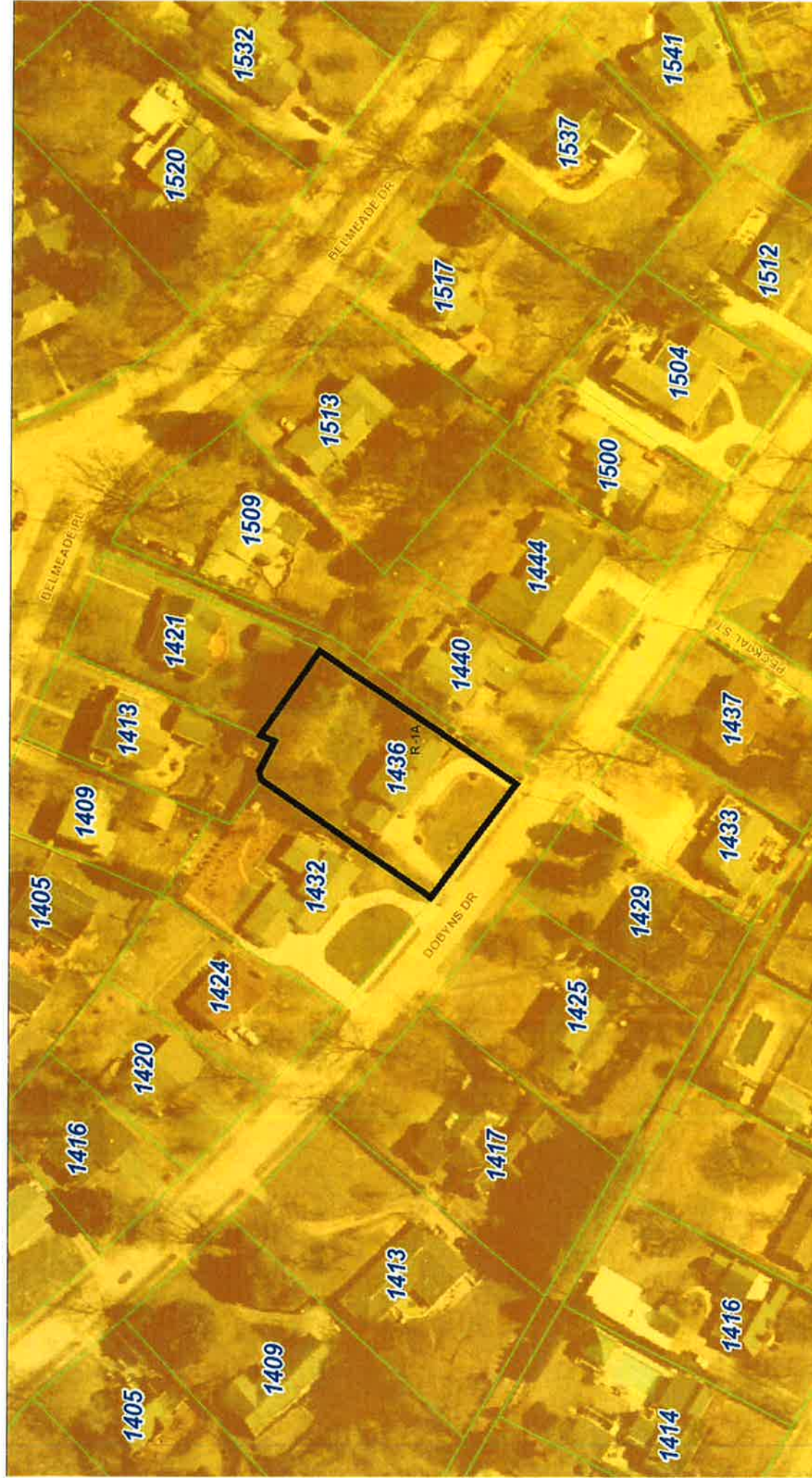
RE: 1436 Dobyys Drive

The Board is asked to consider the following request:

Case: 19-701-00022 – Property located at 1436 Dobyys Drive, Control Map 046N, Group C Parcel 032.00, requests a 3 foot side yard variance for the purpose of expanding an existing building to Sec 114-182(e)1(d)1. The property is zoned R-1A, Residential District.

The applicant proposes an extension of his existing carport.

ArcGIS Web Map

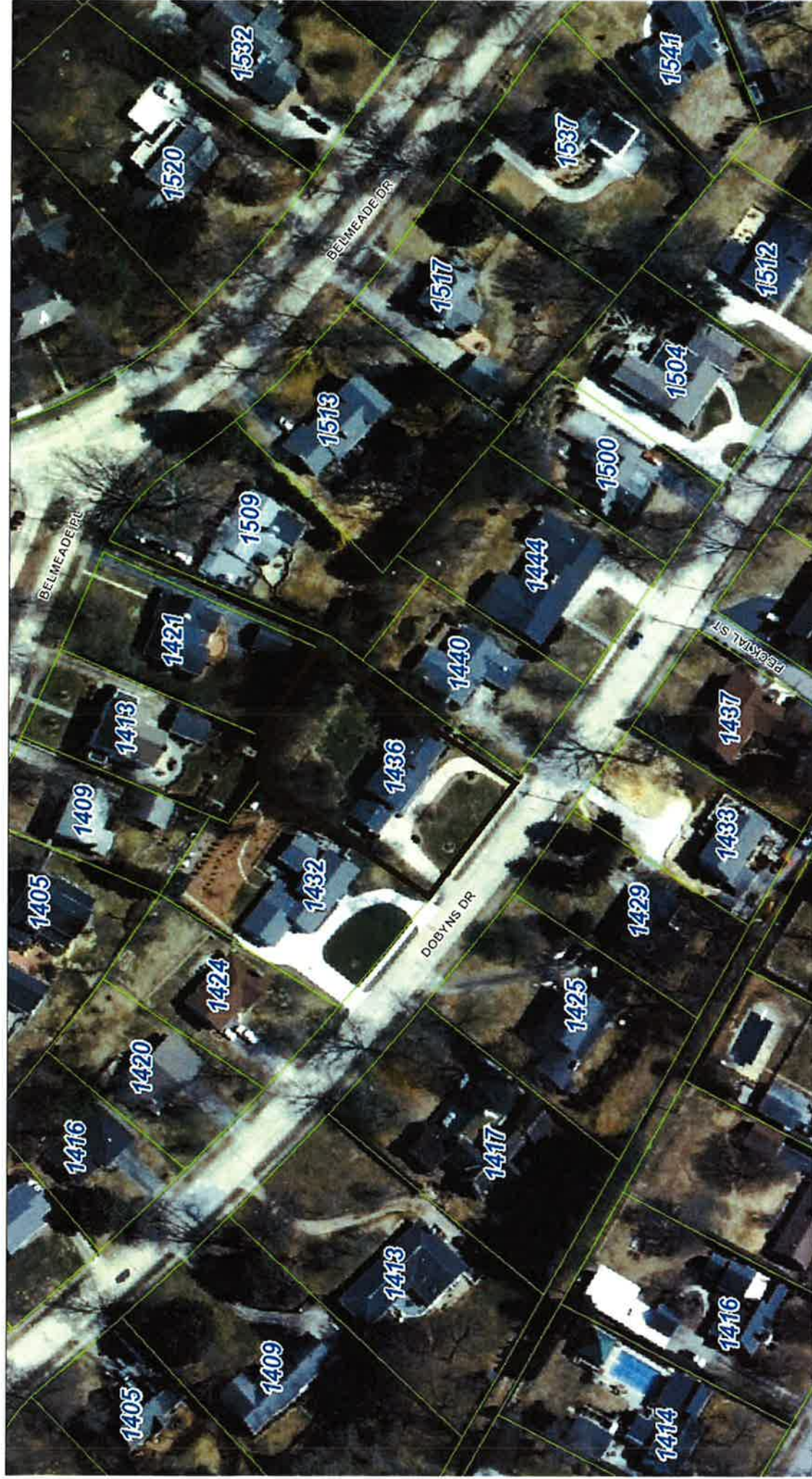


9/2019, 3:56:47 PM



Kpt 911 Address	R-5	B-1	B-4P	MX	PMD-1	R-1B	R-4
Sullivan County Parcels	GC	B-2	BC	P-1	PMD-2	R-1C	Split
Hawkins County Parcels	B-2E	B-3	GC	P-D	PUD	R-2	TA
' Zoning	A-1	B-3	M-1	PBD-3	FVD	R-3	TA-C
<Null>	A-2	B-4	M-IR	PBD/7*	R-1	R-3A	UAE
TAC	AR	B-4P	M-2	PD	R-1A	R-3B	

ArcGIS Web Map



9/2019, 3:56:09 PM

Kpt 911 Address

Sullivan County Parcels

Hawkins County Parcels

1:1,128



APPLICATION
Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name CLEEK First THOMAS M.I. S Date 9/12/2019
Street Address 1436 DOBYNS DR Apartment/Unit #
City KINGSPORT State TN ZIP 37664
Phone (423)335-1108 E-mail Address tecleek@gmail.com

PROPERTY INFORMATION:

Tax Map Information Tax map: Group: Parcel: Lot:
Street Address 1436 DOBYNS DR Apartment/Unit #
Current Zone R1 Proposed Zone
Current Use Res. Proposed Use

REPRESENTATIVE INFORMATION:

Last Name SOUTHERLAND First SHANNON M.I. E Date 9/12/2019
Street Address 2002 BROOKSIDE LANE Apartment/Unit # SUITE F
City KINGSPORT State TN ZIP 37660
Phone (423)384-4727 X9 E-mail Address info@southerlandconst.com

REQUESTED ACTION:

We are requesting a variance in the setback requirement on the left side of the property to construct an addition to the existing carport. The effective setback after construction would be 7 feet requiring a variance for the 3 feet exceeding current code.

DISCLAIMER AND SIGNATURE

By signing below I state that I have read and understand the conditions of this application and have been informed as to the location, date and time of the meeting in which the Board of Zoning Appeals will review my application. I further state that I am/we are the sole and legal owner(s) of the property described herein and that I am/we are appealing to the Board of Zoning Appeals.

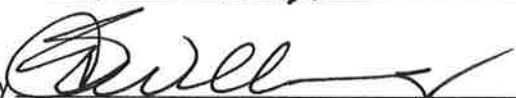
Signature: x 

Date: 9-13-19

Signed before me on this 13 day of Sept, 2019

a notary public for the State of TN

County of Sullivan

Notary 

My Commission Expires Jan 25, 2021

CITY PLANNING OFFICE



Variance Worksheet – Finding of Facts

Variances. Except as provided herein to hear and decide applications for variance from the terms of this chapter, because of exceptional narrowness, shallowness or shape of a specific piece of property which on June 16, 1981, was a lot of record or where, **because of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property**, the strict application of this chapter would result in peculiar and exceptional practical difficulties to exception or undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this chapter. Before any variance is granted, the board must find all of the following, which shall be recorded, along with any imposed conditions or restrictions, in minutes and records and issued in written form to the applicant to constitute proof of the variance:

- a. The specific conditions in detail which are unique to the applicant's land. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

The existing carport is approximately 17 feet off the property line/fence at the front and 18 feet at the rear. The proposed storage addition to the carport will be 10' wide. The proposed carport extension does not impair the access to the rear of the property nor does it create a substantial detriment to the public good. The existing storage at the rear of the carport is shallow in depth and has a walk-through door making it a challenge to access/store lawnmower, yard equipment, tools, etc.

- b. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land.

There is an existing fence that appears to be right on the property line. The neighbor has a small retaining block wall that curves down and against the fence on his side. Also, the applicant has discussed this plan with the neighboring homeowner and they are in agreement.

- c. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter.

The existing carport appears to have been added since original construction of the house. However, it blends well and is not a visible addition. The proposed extension would be of same materials, roof pitch, siding, color, etc.

d. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.

The proposed carport extension will not harm in any way the public safety and welfare. It shall be constructed in the same style and of such appearance as to not stand out or appear obtrusive from the street. It shall match the existing architectural details, roof lines, etc. Also, the roof line will be continuous when viewed from the street.

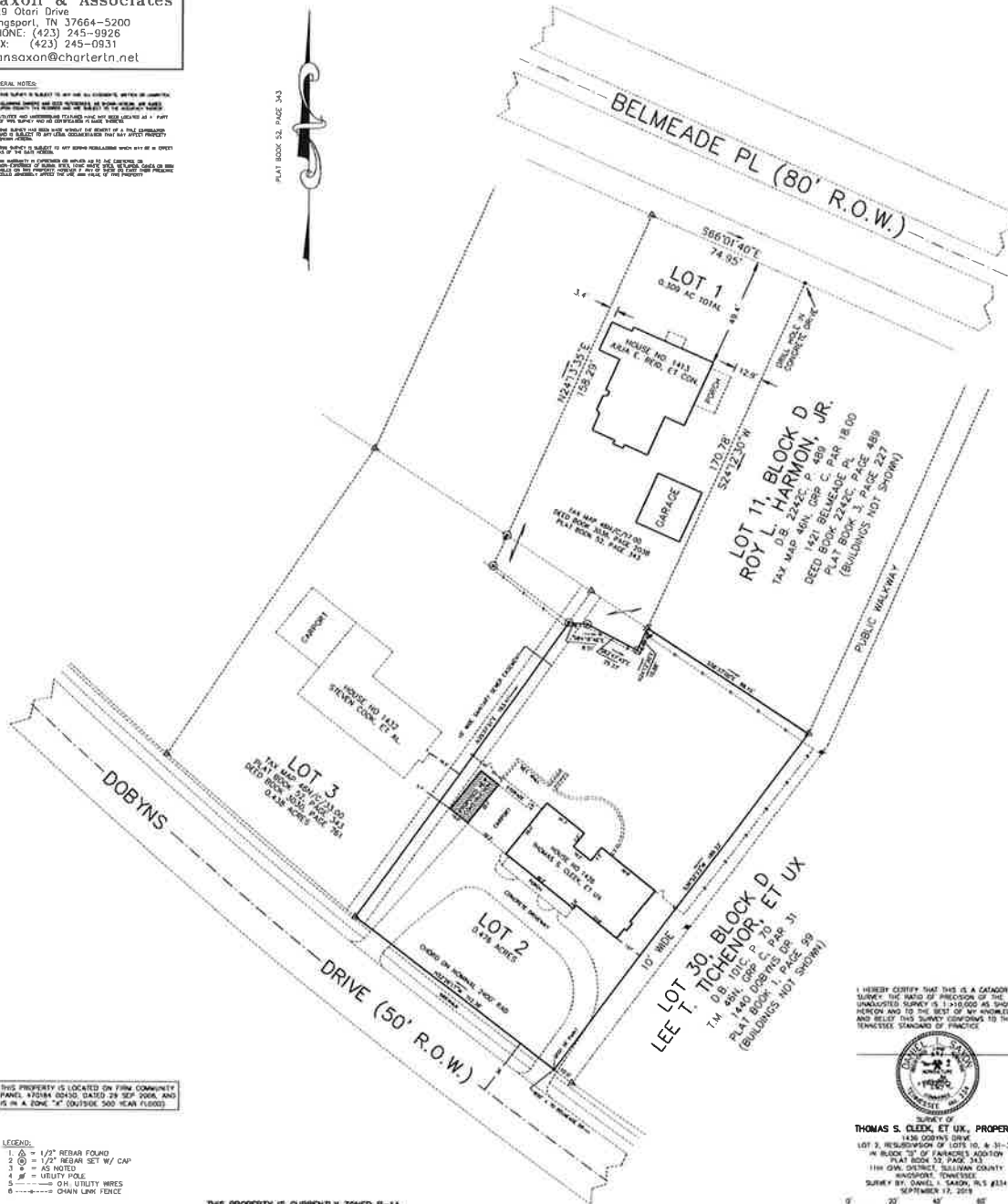
Further, a variance may be granted only if the Board finds that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and this chapter. Variances shall not be granted permitting an increase in floor area or density above the maximum permitted by the zoning district; allowing a use other than those specifically authorized by this chapter in the applicable zoning district; or from the denial of a zoning permit when such denial is due to the fact that such lot has no frontage on a public street unless such lot was a lot of record on June 16, 1981.

Hardship - There is no definition of a "hardship". Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

1. The premises of cannot be used in a manner permitted by the Zoning Ordinance unless the variance is granted.
2. A strict application of the terms of the Zoning Ordinance precludes its use for any purpose to which the land is reasonably adopted.
3. Inability to put the property to its most profitable use DOES NOT constitute a "hardship".
4. Mere inconvenience to the applicant is not sufficient grounds for determining a "hardship". In granting a variance the BZA may not make any decision that is contrary to the purpose and intent of the Zoning Ordinance.

[illegible]

PLAT BOOK 62 PAGE 34



I HEREBY CERTIFY THAT THIS IS A CATALOG 1 SURVEY. THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1:10,000 AS SHOWN HEREON AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS SURVEY CONFORMS TO THE TENNESSEE STANDARD OF PRACTICE.



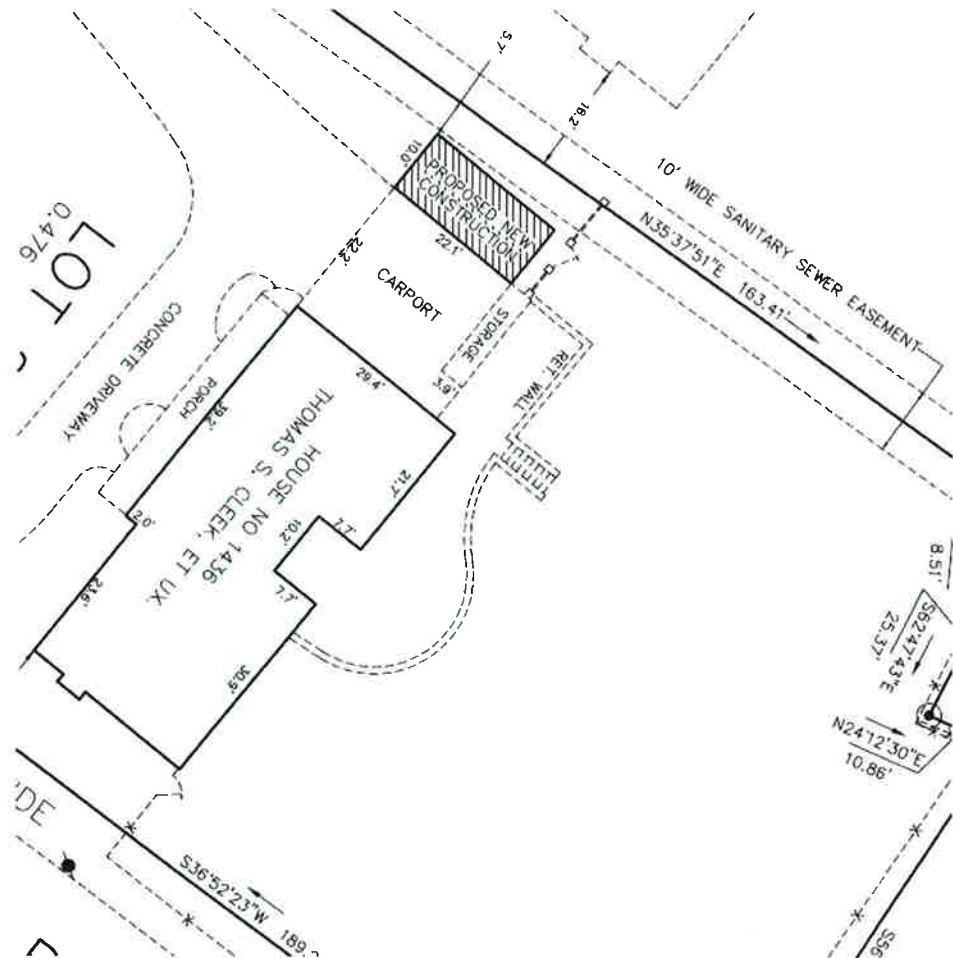
THOMAS S. CLEEK, ET UX., PROPERTY
1436 OGDYNS DRIVE
LOT 2, RESUBDIVISION OF LOTS 10, & 31-33
IN BLOCK "D" OF FAIRCREST ADDITION
PLAT BOOK 52, PAGE 343
11TH CIVIL DISTRICT, SULLIVAN COUNTY
KINGSPORT, TENNESSEE
SURETY BY: DANIEL L. SARRIN, M.S. #234
SEPTEMBER 12, 2018

0' 20' 40' 60' 80'

ORIGINAL SCALE: 1" = 20'

AUTOCAD FILE: 1-158.DWG; COORDINATE FILE: 1-158.DAT

THIS PROPERTY IS CURRENTLY ZONED R-1A



CLEEK CARPORT STORAGE ADDITION
1436 DOBYNS DRIVE; KINGSFORT, TN

P.O. Box 7148
Kingsport, TN 37664
(423) 384-4727

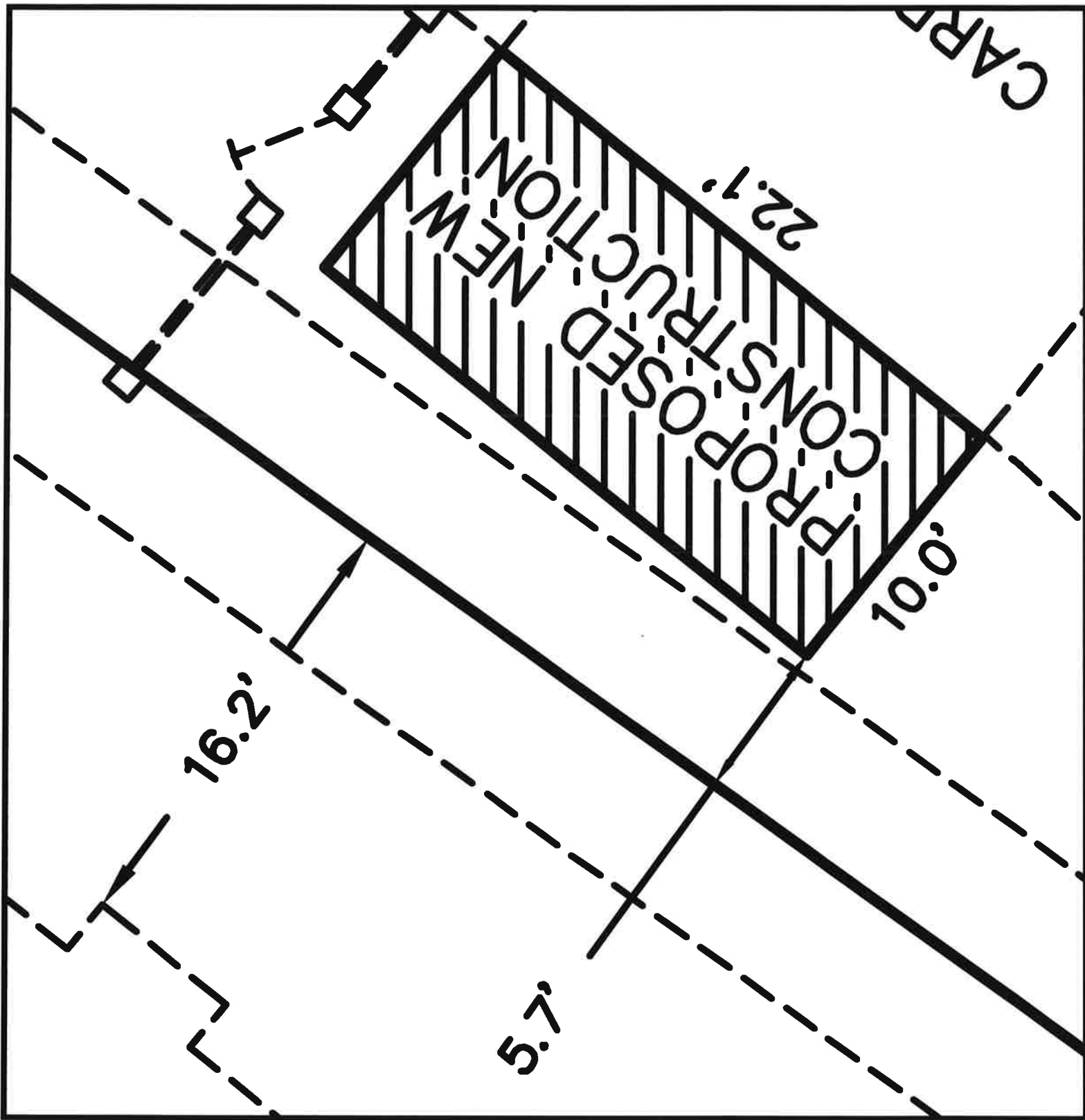
SCALE: 1/4" = 1' 0"

DATE: 19-Sep-19



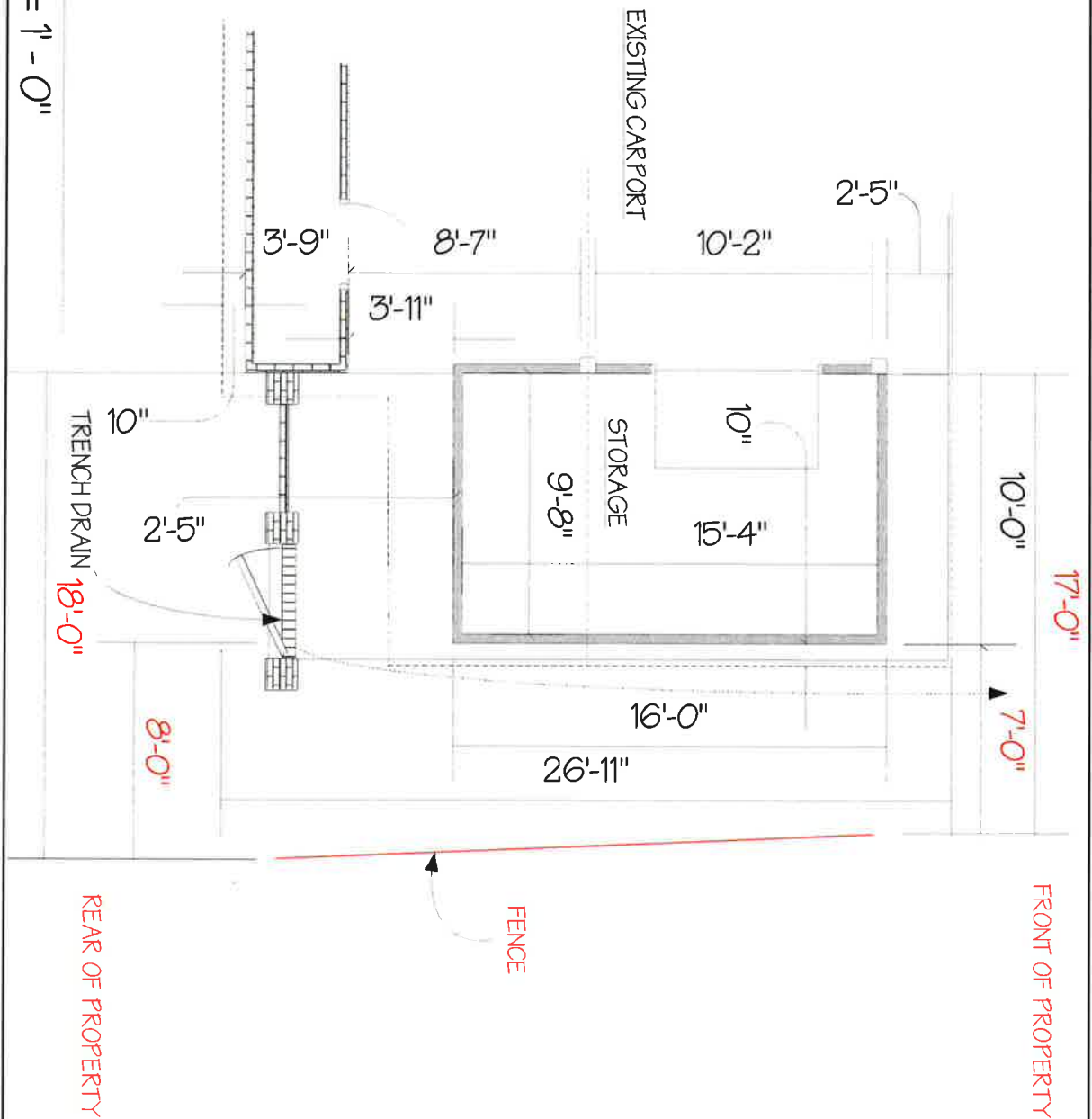
SOUTHERLAND
Construction & Renovation, LLC





REVISED 9/12/19

1
FLOOR PLAN
SCALE: 1/4" = 1'-0"



CLEEK CARPORT STORAGE ADDITION
1436 DOBYNS DRIVE; KINGSPORT, TN

P.O. Box 7148
Kingsport, TN 37664
(423) 384-4727

SCALE: 1/4" = 1' 0"

DATE: 13-Sep-19



SOUTHERLAND
Construction & Renovation, LLC

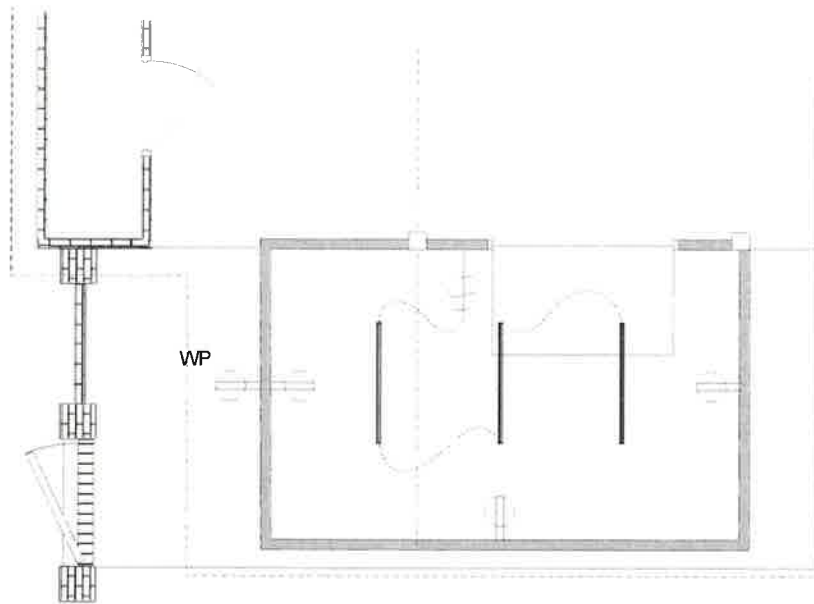


REVISED 9/12/19

2

ELECTRICAL PLAN

SCALE: 1/4" = 1' - 0"



CLEEK CARPORT STORAGE ADDITION
1436 DOBYNS DRIVE; KINGSFORT, TN

P.O. Box 7148
Kingsport, TN 37664
(423) 384-4727

SCALE: 1/4" = 1' 0"

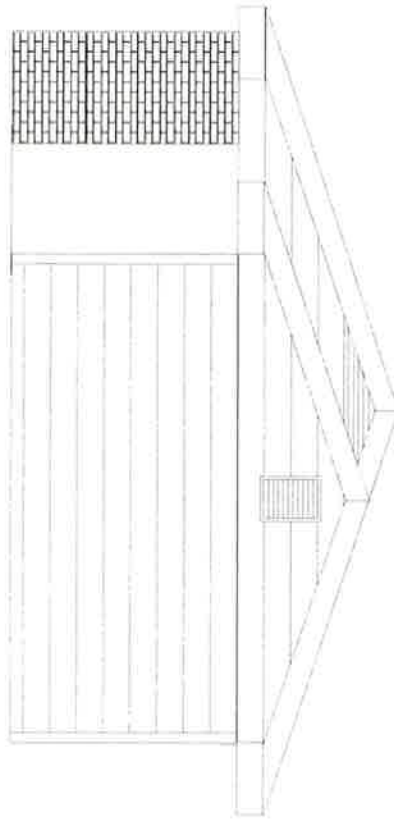
DATE: 13-Sep-19



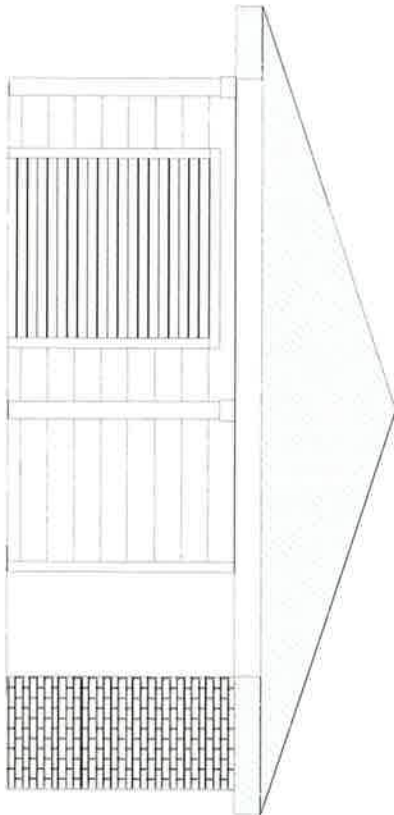
SOUTHERLAND
Construction & Renovation, LLC



REVISED 9/12/19



OUTSIDE ELEVATION



INSIDE ELEVATION

3

ELEVATIONS

SCALE: 1/4" = 1' - 0"

CLEEK CARPORT STORAGE ADDITION
1436 DOBYNS DRIVE; KINGSFORT, TN

P.O. Box 7148
Kingsport, TN 37664
(423) 384-4727

SCALE: 1/4" = 1' 0"

DATE: 13-Sep-19



SOUTHERLAND
Construction & Renovation, LLC



4

PLAT PLAN

SCALE: N/A



DRIVEWAY AT ROAD
A = 11' - 0" measured

DRIVEWAY AT HOUSE
B = 13' - 6" measured

SETBACK AT FRONT OF CARPORT
C = 17' - 0" measured to fence and
calculated by ratio and proportion

SETBACK AT REAR OF CARPORT
D = 18' - 0" measured to fence

CLEEK CARPORT STORAGE ADDITION
1436 DOBYNS DRIVE; KINGSFORT, TN

P.O. Box 7148
Kingsport, TN 37664
(423) 384-4727

SCALE: 1/4" = 1' 0"

DATE: 13-Sep-19



SOUTHERLAND
Construction & Renovation, LLC





TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

DATE: September 23, 2019

RE: 1429 Rock Springs Road

The Board is asked to consider the following request:

Case: 19-701-00023 – Property located at 1429 Rock Springs Road, Control Map 105, Parcel 098.00, requests a 12 parking space reduction to Sec 114-564(4)q and a periphery yard reduction of 30 feet to Sec 114-230(c) for the purpose of constructing a new commercial building. The property is zoned B-4P, Planned Business District.

ArcGIS Web Map



9/2019, 3:48:36 PM

Kpt 911 Address

Sullivan County Parcels

Hawkins County Parcels

Zoning

<Null>

TAC

- R-5
- GC
- B-2E
- A-1
- A-2
- AR
- B-1
- B-2
- B-3
- B-3
- B-4
- B-4P
- B-4P
- BC
- GC
- M-1
- M-1R
- M-2
- B-4P
- MX
- P-1
- P-D
- PBD-3
- PBD/7
- PD
- PMD-1
- PMD-2
- PUD
- PVD
- R-1
- R-1A
- R-1B
- R-1C
- R-2
- R-3
- R-3A
- R-3B
- R-4
- Split
- TA
- TA-C
- UAE

1:2,257



Sullivan County Parcels
Hawkins County Parcels



APPLICATION

Board of Zoning Appeals

**APPLICANT INFORMATION:**

Last Name	Blackburn	First	David	M.I.		Date	09/06/2019
Street Address	2088 Old Taylor Road				Apartment/Unit #		
City	Oxford	State	MS	ZIP	38655		
Phone	662-513-4194		E-mail Address				

PROPERTY INFORMATION:

Tax Map Information	Tax map: 105	Group:	Parcel: 098.00	Lot:	
Street Address	1429 Rock Springs Road				Apartment/Unit #
Current Zone	B-4P	Proposed Zone	N/A		
Current Use	Undeveloped	Proposed Use	Commercial/Retail		

REPRESENTATIVE INFORMATION:

Last Name	Berry	First	Benjamin	M.I.	M	Date	09/06/2019
Street Address	3555 Keith Street NW, Suite 109				Apartment/Unit #		
City	Cleveland	State	TN	ZIP	37312		
Phone	423-790-5880		E-mail Address ben@berryengineers.com				

REQUESTED ACTION:

A request is being made for a variance for parking spaces and the periphery yard. A request for parking variance is being made because the stream that runs through the front of the site and its coinciding buffer make it difficult to obtain the 42 spaces required. It is being requested that we only provide 30 spaces. This is beneficial due to the decrease in stormwater runoff volume and because Dollar General has done extensive studies suggesting that 30 spots meets the demand for their customers. The request for the reduction of the periphery yard requirement is being made as well. This reduction is being requested because this stream and gas line limit the developable area of the site. Also, this site is surrounded by B-4P and light manufacturing.

DISCLAIMER AND SIGNATURE

By signing below I state that I have read and understand the conditions of this application and have been informed as to the location, date and time of the meeting in which the Board of Zoning Appeals will review my application. I further state that I am/we are the sole and legal owner(s) of the property described herein and that I am/we are appealing to the Board of Zoning Appeals.

x

Signature:

Date:

9/13/19

Signed before me on this 13th day of September, 2019.a notary public for the State of MississippiCounty of Lafayette

Notary

My Commission Expires March 12, 2021

DOUBLE T, LLC
P.O. Box 4026
Wise, VA 24293

RE: 19035 – Dollar General, 1429 Rock Springs Road, Kingsport, TN 37644

TO WHOM IT MAY CONCERN:

This is to advise that Double T, LLC, is the record owner of the above-referenced property. As such, Double T, LLC, has contracted with Blackburn Holdings, LLC, for the potential sale of a portion of the property, to be developed for a Dollar General store site. Working in conjunction with the prospective purchase, RJ Allen & Associates and Berry Engineers, LLC, are authorized to act as the landowner's agents in all permitting and approval procedures required for the project development.

DOUBLE T, LLC

BY: 

EARL W. BARNETTE
Manager

SITE IMPROVEMENTS FOR:

DOLLAR GENERAL®

STORE 21499
1429 ROCK SPRINGS RD
KINGSPORT, TN 37664

DEVELOPER:

RJ ALLEN & ASSOCIATES, INC.
2088 OLD TAYLOR ROAD
OXFORD, MS 38655

CIVIL
ENGINEER:

BERRY
ENGINEERS LLC

3555 KEITH STREET, SUITE 109
CLEVELAND, TN 37312
(423) 790-5880



VICINITY MAP
N.T.S.

SITE DATA

PROJECT DESCRIPTION: NEW CONSTRUCTION OF A DOLLAR GENERAL STORE.
ZONING: B-4P (PLANNED BUSINESS DISTRICT)
FLOOD ZONE: ZONE A AROUND CREEK, ZONE X EVERYWHERE ELSE AS SHOWN ON MAP #4716302200, DATED 09/19/2004
SITE AREA: 2.00 ACRES
DISTURBED AREA: 1.94 ACRES
LOT COVERAGE: 81,100 SF
PROP. IMPERVIOUS AREAS: 0.83 ACRES
BUILDING FOOTPRINTS: 884.6' x 25' = 22,115 SF
FRONT (WEST): 22' x 125.0' = 2,750 SF
SIDE (EAST): 22' x 125.0' = 2,750 SF
SIDE (SOUTH): 10' x 28.9' = 289 SF
PARKING SPACES: 40
STANDARD PARKING SPACES: 40
TOTAL: 42
PARKING CALCULATION: 1 SPACE REQUIRED PER 200 SF OF NET FLOOR AREA FOR FIRST 1,000 SF + 6 SPACES PER EACH ADDITIONAL 1,000 SF (1,000 SF / 200 SF) + 6 (6,200 SF) = 42 REQUIRED SPACES
***VARIANCE APPLIED FOR

INDEX OF SHEETS

- CIVIL ENGINEERING PLANS**
C-00 COVER SHEET
C-01 EROSION CONTROL PLAN (INITIAL PHASE)
C-02 SITE GRADING & DRAINAGE PLAN
C-03 SITE GRADING & DRAINAGE PLAN
C-04.1 EROSION CONTROL PLAN (INITIAL PHASE)
C-04.2 EROSION CONTROL PLAN (FINAL PHASE)
C-05 SITE UTILITIES PLAN
C-06 SITE DETAILS
C-07 SITE DETAILS
C-08 SITE DETAILS
C-09 SITE DETAILS
C-10 SITE NOTES
C-11 SITE DETAILS
C-12 SITE DETAILS
BOUNDARY & TOPOGRAPHIC SURVEY (BY OTHERS)

LOCAL CONTACTS

CITY OF KINGSPORT - PLANNING
KEN WEEMS
PHONE: 423-229-9368
CITY OF KINGSPORT - WATER
JASON STARNES
PHONE: 423-229-9322
EAST TENNESSEE NATURAL
GAS COMPANY - GAS
NICKY BARNES
PHONE: 423-483-8341
NELSON SHARPE
PHONE: 423-817-1613
CITY OF KINGSPORT - SEWER
BOBBY HARMON
PHONE: 423-229-9454
TOOT
DUANE RAINBOLT
PHONE: 865-594-3945
APPALACHIAN POWER - ELECTRIC
CINDY PROPERT
PHONE: 423-230-2006



DATE	09/06/2019
DRAWN BY	CST
CHECKED BY	BAW
PROJECT NO.	19055
SHEET NUMBER	C-00

COVER SHEET



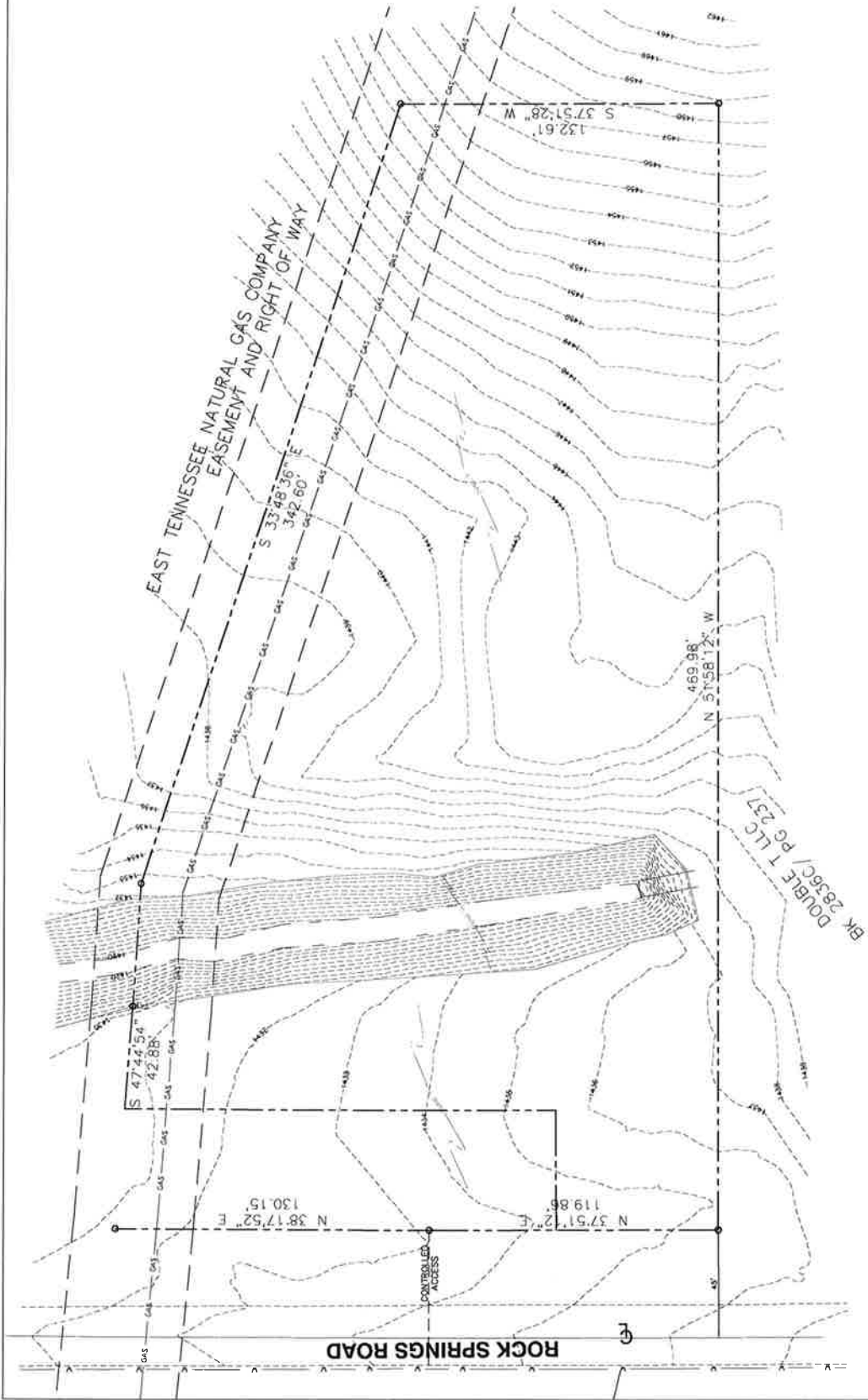
DATE	09/06/2019
DESIGNED BY	CSH
CHECKED BY	BMB
PROJECT NO.	19035
SHEET NUMBER	C-01

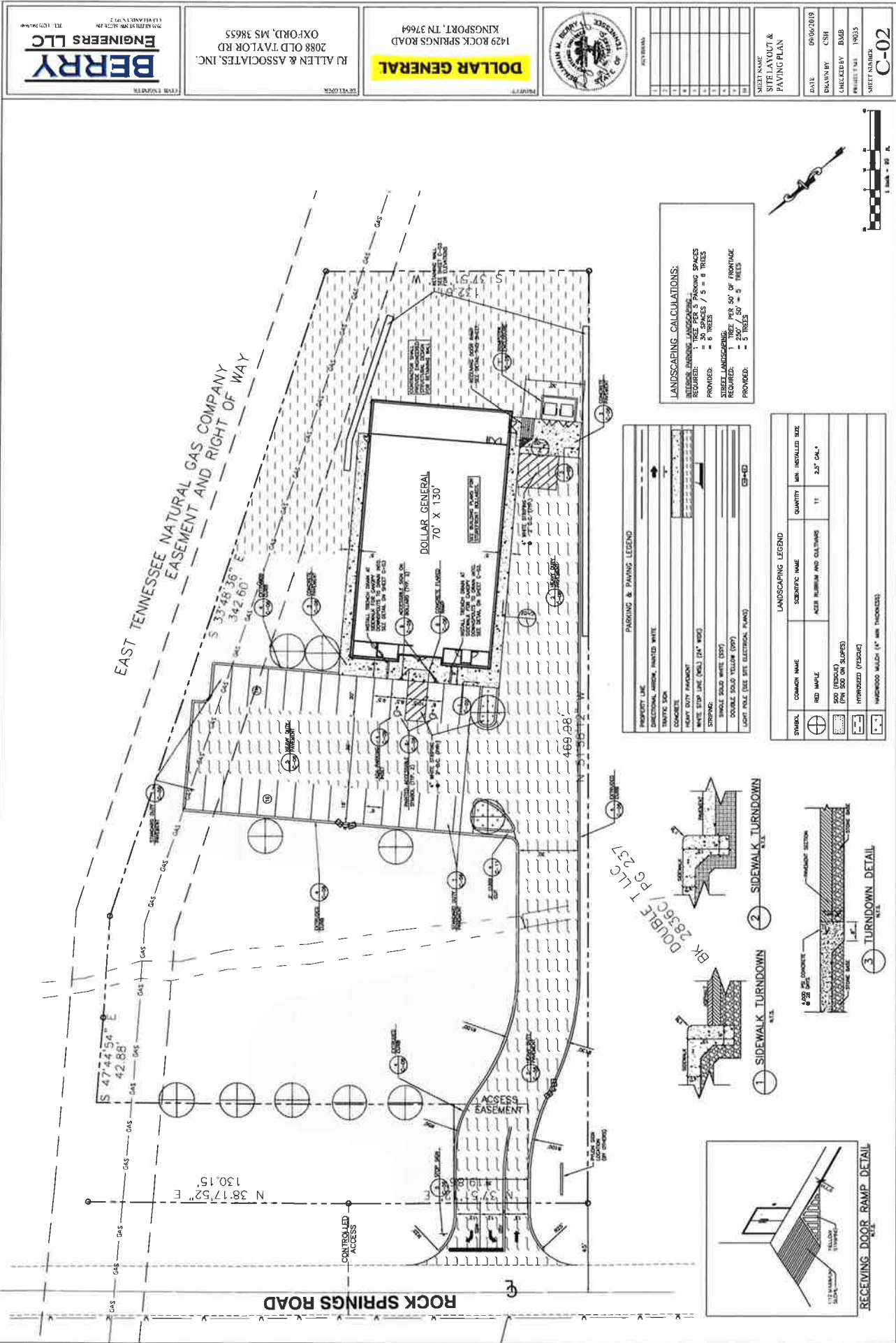
SHEET NAME
EXISTING
CONDITIONS

DATE 09/06/2019
DESIGNED BY CSH
CHECKED BY BMB
PROJECT NO. 19035
SHEET NUMBER C-01



EXISTING CONDITIONS BASED
ON SURVEY BY OTHERS





BERRY
ENGINEERS LLC
2088 OLD TAYLOR RD
OXFORD, MS 38655
TEL: (601) 934-4444

RU ALLEN & ASSOCIATES, INC.
2088 OLD TAYLOR RD
OXFORD, MS 38655

DOLLAR GENERAL
1429 ROCK SPRINGS ROAD
KINGSPORT, TN 37664



NO.	DESCRIPTION
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

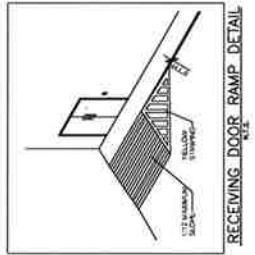
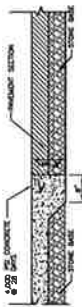
SHEET NAME
SITE LAYOUT &
PAVING PLAN

DATE: 09/06/2019
DRAWN BY: CSH
CHECKED BY: BMB
PROJECT NO.: 19055
SHEET NUMBER: C-02

LANDSCAPING CALCULATIONS:
RECEIVING DOOR RAMP
REQUIRED: 30 SPACES / 5 = 6 TREES
PROVIDED: 6 TREES
SIDEWALK TURNDOWN
REQUIRED: 250' / 50' = 5 TREES
PROVIDED: 5 TREES

PROPERTY LINE	DIRECTIONAL ARROW	UNITED WHITE
CONCRETE		
HEAVY DUTY PAVEMENT		
WHITE STRIP LINE (W/L) (2" X 12")		
STRIPING		
SINGLE SOLID WHITE (SW)		
DOUBLE SOLID YELLOW (DY)		
LIGHT POLE (SEE SITE ELECTRICAL PLANS)		

LANDSCAPING LEGEND			
SYMBOL	COMMON NAME	SCIENTIFIC NAME	QUANTITY
⊕	RED MAPLE	ACER RUBRUM AND CULTIVARS	11
⊙	500 (USDA) (PN 500 ON SLOPES)		2.5" DIA.
⊖	HYDRANGEA (PERSICA)		
⊗	HARDWOOD MULCH (4" MIN THICKNESS)		





TO: KINGSPORT BOARD OF ZONING APPEALS

FROM: Ken Weems, AICP, Planning Manager

DATE: September 23, 2019

RE: 1351 Knightsbridge Cir

The Board is asked to consider the following request:

Case: 19-701-00024 – Property located at 1351 Knightsbridge Circle, Control Map 078A, Group E, Parcel 002.00, requests a 50 foot variance for the purpose of locating an in-ground swimming pool in the side to Sec 114-133(1). The property is zoned PD, Planned Development District.

The amount of requested variance will allow the property owner/ resident to build the pool, including the concrete apron, level with the front of his home.

ArcGIS Web Map



9/2019, 3:43:19 PM

Kpt 911 Address	R-5	B-1	B-4P	MX	PMD-1	R-1B	R-4
Sullivan County Parcels	GC	B-2	BC	P-1	PMD-2	R-1C	Split
Hawkins County Parcels	B-2E	B-3	GC	P-D	PUD	R-2	TA
Zoning	A-1	B-3	M-1	PBD-3	PVD	R-3	TA-C
<Null>	A-2	B-4	M-1R	PBD/*	R-1	R-3A	UAE
TAC	AR	B-4P	M-2	PD	R-1A	R-3B	

1:1,128



ArcGIS Web Map



9/2019, 3:42:47 PM

Kpt 911 Address

Sullivan County Parcels

Hawkins County Parcels

1:1,128



APPLICATION
Board of Zoning Appeals



APPLICANT INFORMATION:

Last Name FULKERSON First ANTHONY M.I. L Date 09-17-19
Street Address 1351 KNIGHTS BRIDGE CIRCLE Apartment/Unit #
City KINGSPORT State TN ZIP 37664
Phone 423-617-2510 E-mail Address alf423@charter.net

PROPERTY INFORMATION:

Tax Map Information Tax map: Group: Parcel: Lot:
Street Address 1351 KNIGHTS BRIDGE CIRCLE Apartment/Unit #
Current Zone Proposed Zone
Current Use RESIDENTIAL Proposed Use

REPRESENTATIVE INFORMATION:

Last Name DAVIN First JERRY M.I. Date 09-17-19
Street Address 2112 GREEN LANE Apartment/Unit #
City KINGSPORT State TN ZIP 37664
Phone E-mail Address

REQUESTED ACTION:

COMPLETE IN-GROUND POOL INSTALLATION ON SIDE OF HOUSE

DISCLAIMER AND SIGNATURE

By signing below I state that I have read and understand the conditions of this application and have been informed as to the location, date and time of the meeting in which the Board of Zoning Appeals will review my application. I further state that I am/we are the sole and legal owner(s) of the property described herein and that I am/we are appealing to the Board of Zoning Appeals.

Signature: A.G. Fulkerson

Date: 09-17-19

Signed before me on this 16 day of September, 2019.

a notary public for the State of TN

County of Sullivan

Notary Linda J. Mann

My Commission Expires 03/26/2022



Variance Worksheet – Finding of Facts

Variances. Except as provided herein to hear and decide applications for variance from the terms of this chapter, because of exceptional narrowness, shallowness or shape of a specific piece of property which on June 16, 1981, was a lot of record or where, because of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a piece of property, the strict application of this chapter would result in peculiar and exceptional practical difficulties to exception or undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this chapter. Before any variance is granted, the board must find all of the following, which shall be recorded, along with any imposed conditions or restrictions, in minutes and records and issued in written form to the applicant to constitute proof of the variance:

- a. The specific conditions in detail which are unique to the applicant's land. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

THE AREA AT THE REAR OF THE HOUSE IS LIMITED AND ADJACENT TO THE CHASE MEADOWS COMMON AREA. THERE IS ADEQUATE SPACE FOR IN-GROUND POOL INSTALLATION ON THE SIDE, AND THE CHASE MEADOWS BOD REVIEWED AND ISSUED A VARIANCE.

- b. The manner in which the strict application of this chapter would deprive the applicant of a reasonable use of the land.

THE STRICT APPLICATION OF THIS CHAPTER WOULD PREVENT THE INSTALLATION OF THE IN-GROUND POOL (10'x20'). AGAIN, THE CHASE MEADOWS BOD REVIEWED AND ISSUED A VARIANCE.

- c. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of this chapter.

THE UNIQUE CONDITIONS OF THIS PROPERTY WERE EXISTANT WHEN THE HOUSE WAS PURCHASED IN FEBRUARY, 2019.

d. Reasons that the variance will preserve, not harm, the public safety and welfare and will not alter the essential character of the neighborhood.

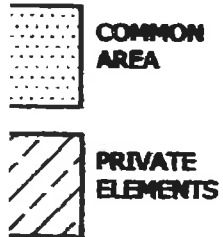
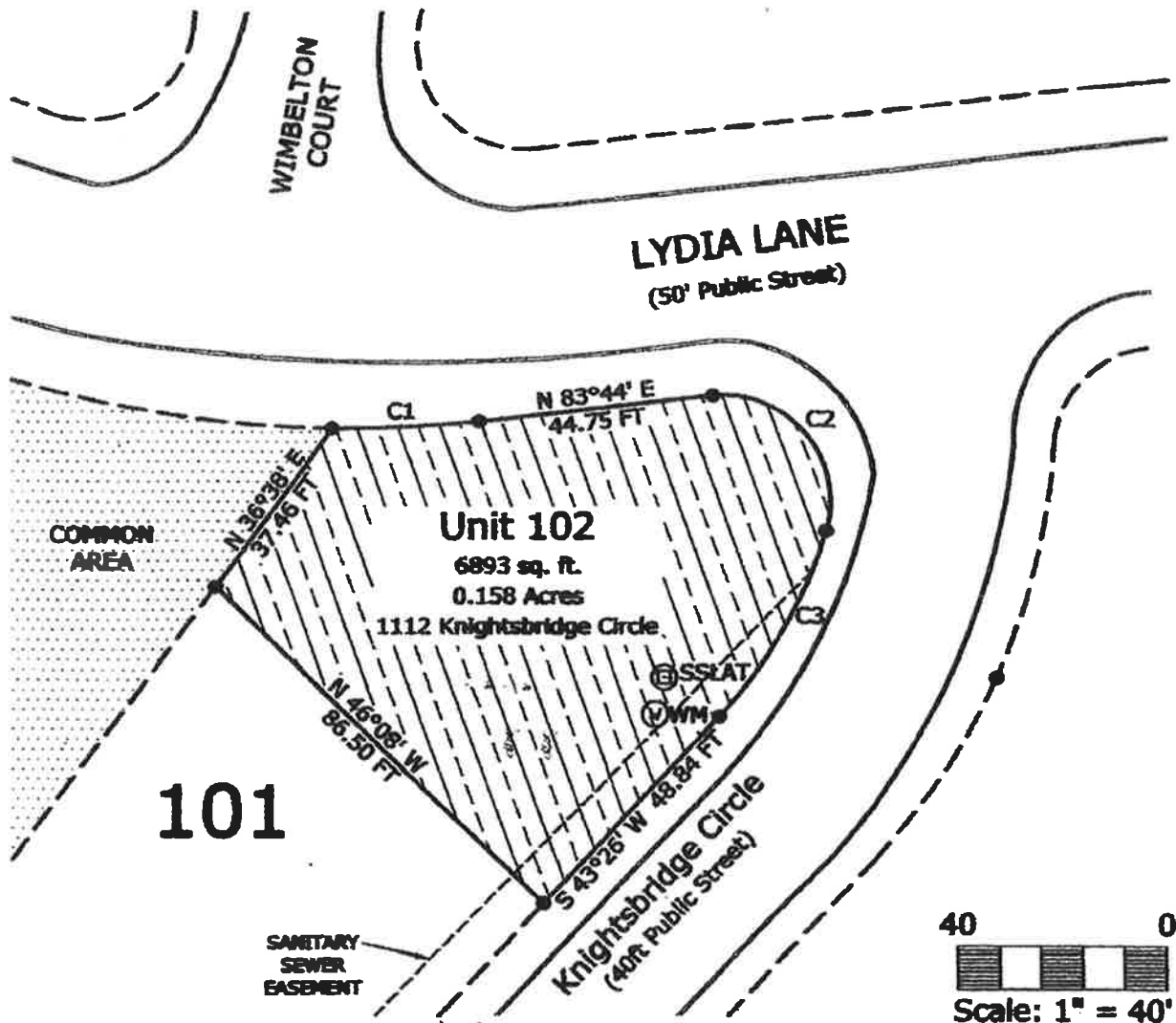
THE VARIANCE WILL IN NO WAY HARM PUBLIC SAFETY AND WELFARE, AND THE QUALITY OF THE POOL WILL PRESERVE THE CHARACTER OF THE NEIGHBORHOOD. IT IS ESSENTIALLY THE SAME POOL AS THE ONE ACROSS THE STREET AT 1403 WIMBLEDON. THE CHASE MEADOWS BOO HAS APPROVED A VARIANCE FOR INSTALLATION WITH ALUMINUM FENCE AND IN COMPLIANCE WITH HOA RULES.

Further, a variance may be granted only if the Board finds that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and this chapter. Variances shall not be granted permitting an increase in floor area or density above the maximum permitted by the zoning district; allowing a use other than those specifically authorized by this chapter in the applicable zoning district; or from the denial of a zoning permit when such denial is due to the fact that such lot has no frontage on a public street unless such lot was a lot of record on June 16, 1981.

Hardship - There is no definition of a "hardship". Some guidelines, based on legal precedent, for applying the concept of unnecessary hardship are:

1. The premises of cannot be used in a manner permitted by the Zoning Ordinance unless the variance is granted.
2. A strict application of the terms of the Zoning Ordinance precludes its use for any purpose to which the land is reasonably adopted.
3. Inability to put the property to its most profitable use DOES NOT constitute a "hardship".
4. Mere inconvenience to the applicant is not sufficient grounds for determining a "hardship". In granting a variance the BZA may not make any decision that is contrary to the purpose and intent of the Zoning Ordinance.

NUMBER	DELTA ANGLE	CHORD DIRECTION	RADIUS	ARC LENGTH	CHORD LENGTH
C1	7°09'	N 87°19' E	225.00 FT	28.06 FT	28.04 FT
C2	112°42'	S 39°54' E	20.00 FT	39.34 FT	33.30 FT
C3	26° 59'	S 29°56' W	87.00 FT	40.97 FT	40.60 FT



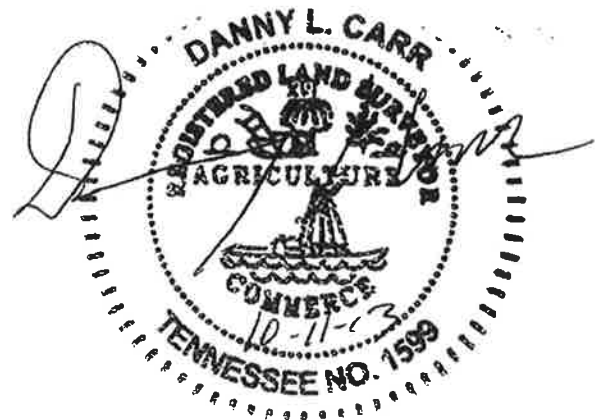
RTY ADDRESS: 1351 KNIGHTSBRIDGE CIRCLE
KINGSPORT, TN 37664

MEADOWS, PHASE 2 RECORDED IN
BOOK 53/ PAGE 166

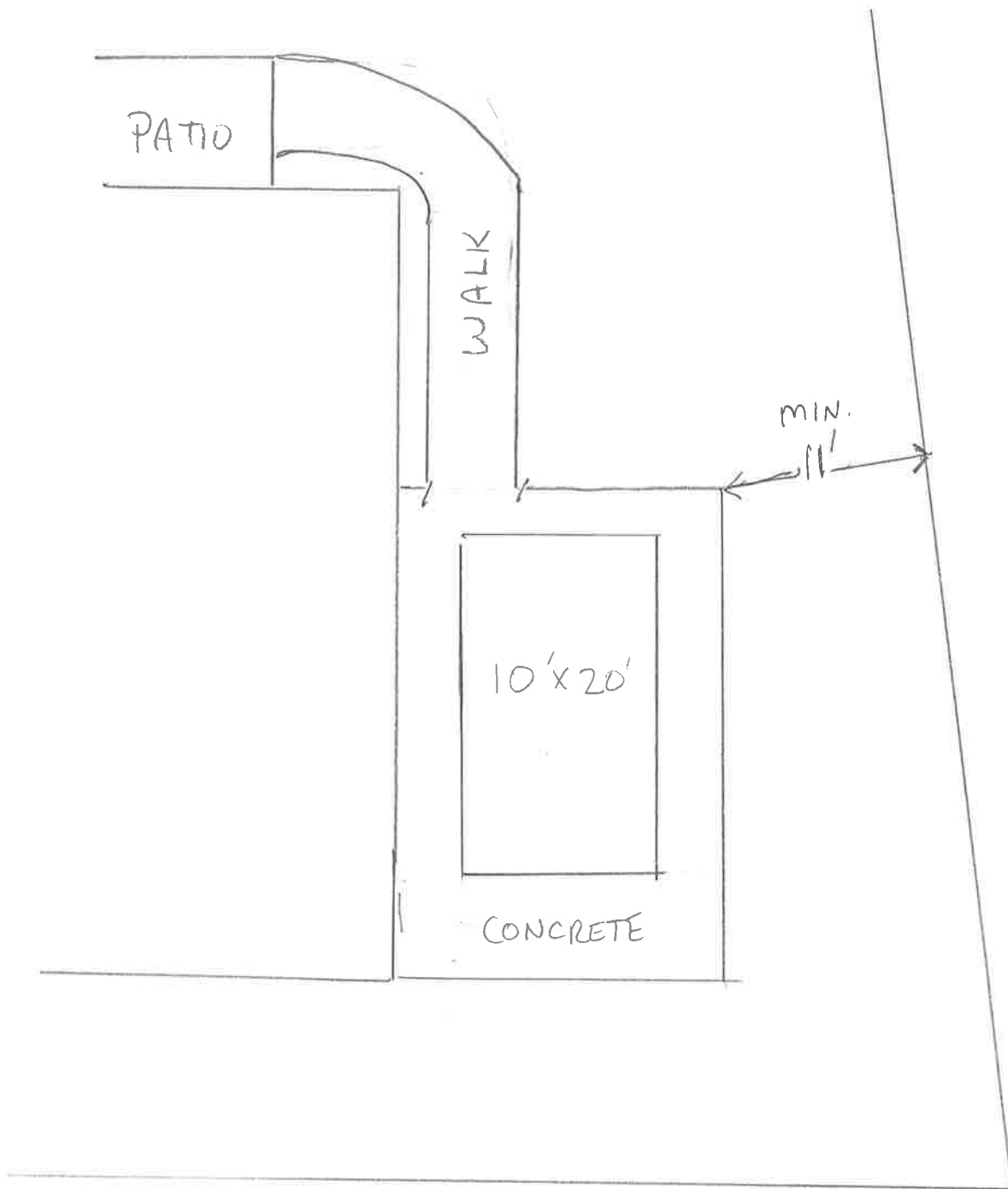
MEADOWS DEVELOPMENT, LLC
7C/ PG 516

1/2" IRON PIN NEW AND SET
IT= SANITARY SEWER LATERAL
= WATER METER

S TO CERTIFY THAT I HAVE CONSULTED THE
AL ADMINISTRATION FLOOD HAZARD BOUNDARY
AND FOUND THAT THIS PROPERTY IS NOT
ED IN A SPECIAL FLOOD HAZARD AREA.



I HEREBY CERTIFY THAT THIS IS A CATEGORY I
SURVEY AND THE RATIO OF PRECISION OF
THE UNADJUSTED SURVEY IS GREATER THAN
1:10000



August 20, 2019

Len and Donna:

The CMHOA Board of Directors held a called meeting today at 9:00 am to discuss your request for a Variance to Article VIII Section 3 of Declaration of Protective Covenant as it relates to "Fences" for 1351 Knightsbridge Circle, so you can construct a swimming pool in your side yard. After discussion, we are pleased to report that **your request has been granted** allowing a fence to be placed on the property, noting that the four (4) foot fence to be constructed shall conform to Section 3 in all other ways, and as stated therein, **must be constructed of black aluminum.**

We hope this approval meets with your satisfaction; however, should you have any questions or concerns, please feel free to contact any one of your board members. Good Luck in your new endeavor!!!

Chase Meadows HOA

**MINUTES OF THE DRIVING TOUR OF THE
KINGSPORT BOARD OF ZONING APPEALS (BZA)**

September 5, 2019

10:30 a.m.

Members Present:

Bill Sumner
Joe White
Jeff Little

Members Absent:

Ashok Gala
Calvin Clifton

Staff Present:

Ken Weems, AICP

At 10:30 a.m., the BZA departed the Development Services Building, 201 W. Market St. to conduct a driving tour of the property located off 320 Sequoyah Dr., 2204 Sheffield St., 1242 Shipley Ferry Rd., 1304 E. Stone Dr., and 110 E. Center St. No official action was taken.

The driving tour concluded at 11:45 a.m.

Respectfully Submitted,

Ken Weems, AICP
Planning Manager

MINUTES OF THE KINGSPORT BOARD OF ZONING APPEALS (BZA)

September 5, 2019, Regular Meeting

Noon

Bob Clear Conference Room, 1st floor of the Development Services Building

Members Present:

Bill Sumner
Joe White
Jeff Little
Ashok Gala

Members Absent:

Calvin Clifton

Staff Present:

Ken Weems, AICP
Alison Fields

Visitors:

Alan Watterson	Jody Musick
Carolyn Spivey	Mark Freeman
Jerry Flannery	Jordan Carr
James Maginnis	Toni L. Maginnis
Kenny Glass	Sherry Russell
William Odom	Al Weeks

Chairman Sumner called the meeting to order.

Chairman Sumner explained the meeting procedures.

Ms. Alison Fields conducted the swearing in ceremony for those wishing to speak during the regular meeting. All visitors were sworn in.

Public Hearing:

Case: 19-701-00017 – Property located at 320 Sequoyah Drive, Control Map 046H, Group N Parcel 004.00, requests a 8.5 foot projection variance for the purpose of adding an awning to the existing building to Sec 114-140(1). The property is zoned R-2, Two Family Residential District.

Mr. Alan Watterson presented the case to the Board. Mr. Watterson stated that his request was for an awning, similar to his neighbor's, to be installed on the front of this home. Carolyn Spivey, identifying herself as Mr. Watterson's neighbor in the other half of their duplex, stated that she is supportive of the request. Sherry Russell stated that she wanted to know the issue. Mr. Weems provided a brief explanation of allowable projections and the space in which they can occur for residential properties. Jordan Carr stated that he is comfortable with the 8.5 foot front yard projection variance.

Chairman Sumner, seeing no one else wishing to speak, closed the public hearing.

Case: 19-701-00018 – Property located at 2204 Sheffield Street, Control Map 047J, Group A, Parcel 006.00, requests a 25 foot rear yard variance for expansion of an existing building to Sec 114-358(e)1(e). The property is zoned R-1B, Residential District.

Mr. James Maginnis presented the case to the Board. Mr. Maginnis stated that he desires to build a garage addition with covered porch onto his existing home. Mr. Maginnis stated that his home is located much further from the street than any of the adjacent homes. Mr. Maginnis further stated that the rear of his property is wooded, which adds to the seclusion of the site.

Chairman Sumner, seeing no one else wishing to speak, closed the public hearing.

Case: 19-701-00019 – Property located at 1242 Shipley Ferry Rd, Control Map 092N, Parcel 003.05, requests a 5 foot variance for freestanding sign location to Sec 114-530(7); a 30 foot variance for the rear planting strip boundary to Sec 114-600(4)a; and a 10 foot front yard setback variance to Sec 114-195(f)1(c) for the purpose of constructing a new medical office building. The property is zoned B-3, Highway Oriented Business District.

Mr. Mark Freeman presented the case to the Board. Mr. Freeman stated that all of the variance requests are related to the unusually wide state right-of-way that the subject property fronts. Mr. Freeman stated that a need exists to both build the proposed medical office closer to the depressed front property line as well as to receive permission to locate their freestanding sign along the front property line. Last, Mr. Freeman stated that elimination of the required landscape buffer strip was necessary to accommodate the required parking for the use. Mr. Freeman further stated that the topography and existing trees provide an existing buffer from the development. Mr. Weems stated that he had one call on this item, from Ms. Chrissy Taylor. Ms. Taylor, who owns 4800 Fort Henry Drive, inquired about the proposal and stated that she would get back to Mr. Weems. Mr. Weems further stated that he never heard back from her. Mr. Al Weeks spoke about the request, stating that he is highly supportive of it.

Chairman Sumner, seeing no one else wishing to speak, closed the public hearing.

Case: 19-701-00020 – Property located at 1304 E. Stone Drive, Control Map 046L, Group B, Parcel 001.10, requests a 5 foot variance for freestanding sign location to Sec 114-530(7) and a 10.55 foot variance to street frontage to allow for an electronic message board to Sec 114-535(1). The property is zoned B-3, Highway Oriented Business District.

Mr. Kenny Glass presented the case to the Board. Mr. Glass stated that he wanted a freestanding sign for his property that contains an electronic message board feature, similar to other surrounding freestanding signs for adjacent businesses. Mr. Glass spoke to the extreme width of East Stone Drive right-of-way in front of his business, which is wider and therefore closer to his business building as compared to surrounding businesses.

Chairman Sumner, seeing no one else wishing to speak, closed the public hearing.

Case: 19-701-00021 – Property located at 110 E. Center Street, Control Map 046I, Parcel 014.00, requests approval for reestablishment of a nonconforming freestanding sign to Sec 114-531(b). The property is zoned B-2, Central Business District.

Mr. Jody Musick presented the case to the Board. Mr. Musick stated that he wanted to replace the existing freestanding sign on his property with another one that is less nonconforming in the context of zoning. Mr. Musick spoke to the details of the less non-conforming sign and stated that the sign would be in the same location as the existing freestanding sign.

Chairman Sumner, seeing no one else wishing to speak, closed the public hearing.

Next, Chairman Sumner called for approval of the August 1, 2019 driving tour and regular meeting minutes. Chairman Sumner asked staff to amend the minutes to clarify that he abstained from the vote on item 09-701-00015. On a motion by Jeff Little, seconded by Ashok Gala, the August 1, 2019 driving tour and regular meeting minutes were approved as amended, 5-0. Next, Mr. Weems stated for the record that the next application deadline is September 16, 2019 at noon for the October 3, 2019 regular meeting.

Adjudication of Cases:

Case: 19-701-00017 – Property located at 320 Sequoyah Drive, Control Map 046H, Group N Parcel 004.00

The Board collectively agreed that granting the requested variance would preserve the essential character of the district.

MOTION: made by Mr. Little, seconded by Mr. Gala, to grant the requested 8.5 foot front yard projection variance as requested.

VOTE: 4-0 to approve the request.

Case: 19-701-00018 – Property located at 2204 Sheffield Street, Control Map 047J, Group A, Parcel 006.00

The Board collectively agreed that the existing home was located further back from the street than adjacent homes.

MOTION: made by Mr. Gala, seconded by Mr. Little, to grant the 25 foot rear yard variance as requested.

VOTE: 4-0 to approve the request.

Case: 19-701-00019 – Property located at 1242 Shipley Ferry Rd, Control Map 092N, Parcel 003.05

The Board acknowledged that the extreme width of state right-of-way in front of the property was the associated hardship.

MOTION: made by Mr. Little, seconded by Mr. Gala, to grant the requested 10 foot front yard, 5 foot freestanding sign, and elimination of the rear property boundary planting strip variances as requested.

VOTE: 4-0 to approve the request.

Case: 19-701-00020 – Property located at 1304 E. Stone Drive, Control Map 046L, Group B, Parcel 001.10

The Board acknowledged that the extreme width of state right-of-way in front of the property was the associated hardship.

MOTION: made by Mr. Gala, seconded by Mr. Little, to grant the requested 5 foot freestanding sign location variance and 10.55 foot variance to the street frontage to allow an electronic message board component on the freestanding sign as requested.

VOTE: 4-0 to approve the request.

Case: 19-701-00021 – Property located at 110 E. Center Street, Control Map 046I, Parcel 014.00

The Board collectively agreed that the level of nonconformance of the proposal was less than that proposed.

MOTION: made by Mr. Little, seconded by Mr. Gala, to grant reestablishment of the nonconforming freestanding sign as proposed.

VOTE: 4-0 to approve the request.

With no further business the meeting was adjourned at 1:15 p.m.

Respectfully Submitted,

Ken Weems, AICP
Planning Manager